IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3240 OF 2006

SETH SAHKARAM NEMCHAND JAIN
AUSHADALAYA VA RUGNALAYA,
SOLAPUR AND ANR. ... ETITIONERS.

VS.

SHRI ANIL VYANKATESH
DESHPANDE AND ANR. ... RESPONDENTS.

MR. G.S. GODBOLE FOR THE PETITIONERS.

MR. KIRAN BAPAT I/B. AVINASH PATANGE FOR RESPONDENT NO.1.

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CORAM : A.P.DESHPANDE, J.

DATE : February 6, 2007.

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P.C.

1. By the present petition, a Trust, which administers Medical College at Solapur, which is regulated by the provisions of Maharashtra University

of Health Sciences Act, 1998, challenged an Order passed by the Labour Court, in exercise of the powers under Section 33(c)(2) of the Industrial Disputes Act. The learned Counsel appearing for the petitioners submits that the provisions contained in Section 53 of the Act ousts the jurisdiction of the Labour Court. A perusal of Section 53 of the Act would clearly reveal that a Grievance Committee set up solely with a view to deal with the grievances of the employees and the role of the Grievance Committee appears to be that of the settler of the grievances. The Grievance Committee has no power, authority or jurisdiction to to adjudicate the grievance/ dispute and to render a binding decision. The Grievance Committee is only empowered to make a reference touching the dispute to the Management Council and the decision of the Management Council attains finality. If this be the scheme of the Act which sets up a Grievance Committee, it is not possible to concede that the intention behind setting up of a Grievance Committee under Section 53 of the Act was to oust the jurisdiction of the Labour / Industrial Court under the Industrial Disputes Act. The Grievance Committee does not function as a Judicial

or Quasi Judicial

Authority to decide the industrial disputes. In this view of the matter, the submission made by the learned counsel for the Petitioner that the Order passed by the Labour Court under Section 33(c)(2) of the Act is without jurisdiction, is not sustainable.

2. The learned Counsel for the Petitioner has placed reliance on a Judgment of the learned Single Judge, reported in 2000(II) CLR 949. The ruling has no application to the facts and circumstances of the present case, inasmuch as the judgment relied upon is concerned, deals with a situation under Poona University Act , which provides for a Special Forum to adjudicate the dispute; whereas there is no adjudicating machinery or forum put in place under the Health University Act.

In the result, I do not find merit in this writ petition. Consequently, the writ petition is summarily dismissed.

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[A.P.DESHPANDE, J.]